THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3204 of 2006

Dated:24.02.2006

Between:

Mrs.D.Radhika, W/o.D.Sambraju, and others.

…Petitioner

And

Government of Andhra Pradesh, rep. By its Special Chief Secretary to Government, Revenue (ASNI) Department, Hyderabad, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3204 of 2006

ORDER:

The petitioners filed the present writ petition questioning the validity of the orders of the Government in G.O.Ms.No.278, dated 04.02.2006.

The case of the petitioners in brief is as follows. The petitioners herein purchased various extents of agricultural lands (Acs.3.17 cents in Survey Nos.115/2 and 112 situated at Moola Boddavaram Village, S.Kota Mandal, Vizianagaram District, was purchased by the first petitioner, Acs.3.61 cents in Survey No.120 of the same Village by the second petitioner, Acs.2.37 cents in Survey No.114 of the same

Village by the third petitioner, and Acs.1.80 cents in Survey No.115/1 of the same Village by the fourth petitioner). The petitioners purchased the properties during the period from 1985 to 1989. They allege that these lands are not included in the list of assigned lands prohibited for transfer, and therefore, on a *bona fide* belief that they are patta lands, the petitioners purchased the same for valuable consideration. The Mandal Revenue Officer initiated action under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and passed orders on 31.12.1997 for resumption of the lands and restoration of the same to the original assignees. The petitioners filed appeals before the Revenue Divisional Officer, Vizianagaram, which were dismissed on 02.11.2000. The petitioners were also unsuccessful before the Joint Collector, Vizianagaram, who dismissed the revision filed by them, on 09.07.2002. They again filed an appeal before the Chief Commissioner of Land Administration which was disposed of observing that the Chief Commissioner has no jurisdiction to entertain the same under the Act. Therefore, they filed a revision petition before the Government, who dismissed the same by the impugned Government Order.

Learned Counsel for the petitioners submits that the impugned order is passed without giving an opportunity to the petitioners and therefore, the same is unsustainable. It is further alleged that the petitioners purchased the property during the period 1985 and 1989, and the respondents erred in initiating action under the Act after lapse of ten years.

A perusal of the impugned order would show that the land in Survey Nos.120, 115/2, 112, 114 and 115/1 was assigned to landless poor persons. The Mandal Revenue Officer during inspection found that the petitioners purchased the assigned lands, and accordingly initiated action against them. The action of the respondents in ordering resumption of the land is therefore, well within the provisions of the Act. Even if there is a delay on the part of the Mandal Revenue Officer in initiating action, the same does not in any manner mitigate in favour of the petitioners. Secondly, the mere fact that the lands were not included in the prohibited list as contemplated under Section 5 of the Act cannot render the alienations in favour of the petitioners valid.

Learned Counsel for the petitioners submits that whenever the Counsel for the petitioners appeared before the first respondent, the matter was not called, and therefore, observations made in the impugned order that the petitioners absented themselves on the date of hearing is false and baseless. This Court is afraid this matter cannot be decided in this writ petition. The Government observed in the impugned order that the matter was posted on 03.03.2005 when the petitioners requested for adjournment. Again the matter was posted on 23.04.2005, 21.05.2005 and 30.12.2005, and on all these dates the petitioners were absent. The Government perused the material and passed the orders. In the absence of any denial that the land purchased by the petitioners is assigned land, this Court does not find any infirmity or illegality in the orders passed by the first respondent.

The Writ Petition is devoid of merits and is accordingly, dismissed. No costs.

(V.V.S.RAO, J)

24.02.2006

vs